

Court of Appeals, State of Michigan

ORDER

People of MI v Dennis Brad Johnson

Docket No. 294642

LC No. 09-005762-AR

Kurtis T. Wilder
Presiding Judge

Brian K. Zahra

Kirsten Frank Kelly
Judges

In lieu of granting the delayed application, the Court orders, pursuant to MCR 7.205(D)(2), that the September 11, 2009, order of the Wayne Circuit Court affirming the district court's denial to bind over defendant hereby is REVERSED. Circumstantial evidence, coupled with the reasonable inferences derived therein, may support a bindover. *People v Grayer*, 235 Mich App 737, 744 n 3; 599 NW2d 527 (1999). The prosecution is not required at that point to prove the elements of the crime beyond a reasonable doubt. *Id.* The order of probation with the name Dennis Brad Johnson was sufficient to create a reasonable inference that defendant had a prior felony conviction. The case is remanded for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 13 2010

Date

Sandra Schultz Mengel
Chief Clerk